

1 Honorable John C. Coughenour
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10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT SEATTLE
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15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JOCELYN LEYVA-CASTELLANOS,

19 Defendant.

No. CR20-0137-JCC

[~~PROPOSED~~]

**PRELIMINARY
ORDER OF FORFEITURE**

20 THIS MATTER comes before the Court on the United States' Motion for a
21 Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States,
22 Defendant Jocelyn Leyva-Castellanos's interest in the following property ("Subject
23 Currency"):

24 \$6,018 of the \$11,648 in U.S. currency seized from Defendant's residence in
25 Lynnwood, Washington on or about September 1, 2020.

26 The Court, having reviewed the United States' Motion, as well as the other papers
27 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of
Forfeiture is appropriate because:

- 28 • The Subject Currency is forfeitable pursuant to 21 U.S.C. § 853, because it
29 constitutes proceeds of the Defendant's commission of Conspiracy to

1 Distribute Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1)
2 and (b)(1)(C), and 846; and,

3 • Pursuant to the Plea Agreement she entered on September 7, 2023, the
4 Defendant agreed to forfeit her interest in the Subject Currency pursuant to
5 21 U.S.C. § 853. Dkt. No. 453, ¶¶ 8, 11.

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7 NOW, THEREFORE, THE COURT ORDERS:

8 1. Pursuant to 21 U.S.C. § 853 and her Plea Agreement, the Defendant's
9 interest in the Subject Currency is fully and finally forfeited, in its entirety, to the
10 United States;

11 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will
12 be final as to the Defendant at the time she is sentenced, it will be made part of the
13 sentence, and it will be included in the judgment;

14 3. The U.S. Department of Justice, Drug Enforcement Administration, and/or
15 its authorized agents or representatives, shall maintain the Subject Currency in their
16 custody and control until further order of this Court.

17 4. Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the
18 United States shall publish notice of this Preliminary Order and its intent to dispose of the
19 Subject Currency as permitted by governing law. The notice shall be posted on an official
20 government website—currently, www.forfeiture.gov—for at least thirty (30) days. For
21 any person known to have alleged an interest in the Subject Currency, the United States
22 shall also, to the extent possible, provide direct written notice to that person. The notice
23 shall state that any person, other than the Defendant, who has or claims a legal interest in
24 the Subject Currency must file a petition with the Court within sixty (60) days of the first
25 day of publication of the notice (which is thirty (30) days from the last day of
26 publication), or within thirty (30) days of receipt of direct written notice, whichever is
27 earlier. The notice shall advise all interested persons that the petition:

- 1 a. shall be for a hearing to adjudicate the validity of the petitioner's
- 2 alleged interest in the Subject Currency;
- 3 b. shall be signed by the petitioner under penalty of perjury; and
- 4 c. shall set forth the nature and extent of the petitioner's right, title, or
- 5 interest in the Subject Currency, as well as any facts supporting the
- 6 petitioner's claim and the specific relief sought.

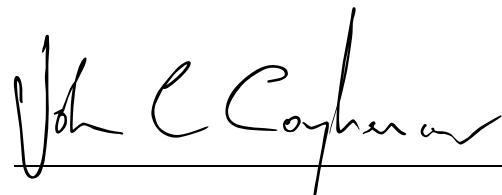
7 5. If no third-party petition is filed within the allowable time period, the
8 United States shall have clear title to the Subject Currency, and this Preliminary Order
9 shall become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

10 6. If a third-party petition is filed, upon a showing that discovery is necessary
11 to resolve factual issues it presents, discovery may be conducted in accordance with the
12 Federal Rules of Civil Procedure before any hearing on the petition is held. Following
13 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,
14 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that
15 adjudication; and

16 7. The Court will retain jurisdiction for the purpose of enforcing this
17 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of
18 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to
19 Fed. R. Crim. P. 32.2(e).

20 IT IS SO ORDERED.

21 DATED this 27th day of November 2023.



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John C. Coughenour
UNITED STATES DISTRICT JUDGE

1 Presented by:

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